

3 May 1975

PART I
SECTION 1
Interpretation
Article 1

For the purposes of this Convention

1. "activities in the Area" means all activities of exploration of the Area and the exploitation of its resources and other associated activities, including research concerning those resources.
2. "developing countries" means the developing countries, in particular the land-locked and geographically disadvantaged among them.
3. "technologically less-advanced countries" means countries lacking or less advanced in sea-bed mining and minerals technology and expertise.
4. "resources" means resources in situ.
5.(other terms to be added)

SECTION 2
PRINCIPLES

The Area and its limits
Article 2

1. This part shall apply to the sea-bed and ocean floor and subsoil thereof beyond the limits defined in Part... of this Convention, hereinafter called the "Area".
2. Each Party to this Convention shall notify the International Sea-bed Authority established pursuant to Article 21 (hereinafter called the "Authority"), of the limits referred to in paragraph 1 of this article defined by coordinates of latitude and longitude and shall indicate the same on appropriate large

*Preliminary version -
For final version of
Geneva single
nego. text - see
A/CONF.62/WP.8/Part I
dated
7 May
1975*

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scale charts officially recognized by that State.

3. The Authority shall register and publish such notification in accordance with rules adopted by it for the purpose.

4. Nothing in this article shall affect the validity of any arrangement between States with respect to the establishment of limits between opposite or adjacent States.

Common heritage of mankind

Article 3

The Area and its resources are the common heritage of mankind.

No claim or exercise of sovereignty

Article 4

1. No State shall claim or exercise sovereignty or sovereign rights over any part of the Area or its resources, nor shall any State or person natural or juridical, appropriate any part thereof. No such claim or exercise of sovereignty or sovereign rights, nor such appropriation shall be recognised.

2. No State or person, natural or juridical, shall claim, acquire or exercise any rights with respect to the minerals or processed substances derived from the Area inconsistent with the provisions of this Convention. Subject to the foregoing, no such claim, acquisition or exercise of such rights shall be recognized.

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General conduct in the Area and in relation to the Area

Article 5

States shall act in, and in relation to, the Area in accordance with the provisions of this Part, and the Charter of the United Nations, in the interests of maintaining international peace and security and promoting peaceful coexistence, international co-operation and mutual understanding.

Activities in the Area

Article 6

Activities in the Area shall be governed by the provisions of this Part and shall be subject to supervision and regulation by the Authority as provided herein.

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Benefit of Mankind as a Whole

Article 7

Activities in the Area shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether coastal or land-locked, and taking into particular consideration the interests and needs of the developing countries.

Reservation of the Area exclusively for Peaceful Purposes

Article 8

The Area shall be reserved exclusively for peaceful purposes.

Use of the Area by all States without discrimination

Article 9

The Area shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, without discrimination, in accordance with the provisions of this Part.

General Norms regarding Activities in the Area

Article 10

Activities in the Area shall be carried out in a safe, orderly, rational

and efficient manner so as to ensure (i) conservation and utilization of the resources of the Area for optimum benefit to producers and consumers of raw materials and of products which are made from them; (ii) expanding opportunities in the use thereof; (iii) equitable sharing in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries, whether land-locked or coastal; and (iv) avoidance or minimization of adverse effects on the economics of developing countries of a substantial decline in their mineral export earning from minerals and other raw materials originating in their territory which are also derived from resources of the area under exploitation caused by activities in the Area.

Scientific Research in the Area

Article 11

1. For the benefit of mankind as a whole the Authority shall promote and encourage scientific research in accordance with this Convention. Such research shall be carried out exclusively for peaceful purposes.
2. The Authority shall have the right to conduct scientific research and may enter into agreements for that purpose.
3. All scientific research concerning activities in the Area shall be carried out by entities which are certified by the Authority as technically qualified and responsible for any damage to the marine environment that results from such activity.
4. All scientific research programmes concerning activities in the Area and the results thereof shall be made known to the Authority and

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effectively disseminated through international channels. States Parties to this Convention shall promote international cooperation in science and technology relevant to activities in the Area and shall ensure that programmes are developed through the Authority for the benefit of developing and technologically less advanced countries:

- (a) to strengthen their research capabilities and those of the Authority;
- (b) to train their nationals and personnel of the Authority in the techniques and applications of research;
- (c) to foster the employment of their qualified personnel in activities of research in the Area.

Transfer of Technology

Article 12

1. Parties to this Convention shall take necessary measures for promoting the transfer of technology and scientific knowledge relating to activities in the Area through the Authority so that all States benefit therefrom. In particular, they shall promote:

- (a) Programmes for the transfer of technology to developing countries and technologically less advanced countries with regard to activities in the Area, including, inter alia, facilitating the access of these countries to all technology relevant to activities in the Area, under preferential terms and on just and reasonable conditions;
- (b) Measures directed towards the acceleration of domestic technology of developing countries and technologically less-advanced countries and the opening of opportunities to personnel from those countries for training in marine science and technology and their full participation in activities in the Area.

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Protection of the Marine Environment

Article 13

Without prejudice to the provisions of Part ... of this Convention appropriate measures shall be taken with respect to activities in the Area for the adoption and implementation of international rules, standards and procedures for, inter alia:

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(a) The prevention of pollution and contamination, and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment, particular attention being paid to the need for protection from activities such as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations and pipelines and other devices related to such activities in the Area;

(b) The protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment.

Protection of Human Life

Article 14

With respect to activities in the Area, appropriate measures shall be taken for the adoption and implementation of international rules, standards and procedures for the protection of human life to supplement international law and any specific treaties which may be applicable.

Due Regard to the Rights of Coastal States

Article 15

1. Activities in the Area shall be conducted with due regard to the rights and legitimate interests of coastal States in the region of such activities. Consultations, including a system of prior notification, shall be maintained with the States concerned, with a view to avoiding infringement of such rights and interests.

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2. Neither the provisions of this Part nor any rights granted or exercised pursuant thereto shall affect the right of coastal States to take such measures in accordance with applicable principles of international law as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastlines or related interests from pollution or threat thereof or from other hazardous occurrences resulting from or caused by activities in the Area.

Legal Status of the Superjacent Waters and Airspace

Article 16

Neither the provisions of this Convention nor any rights granted or exercised pursuant thereto shall affect the legal status of the waters superjacent to the Area or that of the airspace above those waters.

Accommodation of Activities in the Area and in the Marine Environment

Article 17

1. Activities in the Area shall be carried out with reasonable regard for other activities in the marine environment.
2. Stationary and mobile installations in the Area for the conduct of activities in the Area shall be subject to the following conditions:
 - (i) Such installations shall be erected, emplaced and removed solely in accordance with the provisions of this Part and subject to the applicable rules and regulations prescribed by the Authority. The erection, emplacement and removal of such installations shall be the subject of timely notification through Notices to Mariners or other generally recognized means of notification;

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- (ii) Such installations shall not be located in the Area where they may obstruct passage through sea lanes of essential importance for international shipping or in areas of intense fishing activity;
- *(iii) Safety zones shall be established around such installations with appropriate markings to ensure the safety both of the installations themselves and of shipping. The configuration and location of such safety zones shall not be such as to form a belt impeding the lawful access of shipping to particular maritime zones or navigation along international sea lanes;
- (iv) Such installations shall be used exclusively for peaceful purposes;
- *(v) Such installations shall not possess the status of islands. They shall have no territorial sea, nor shall their presence affect the determination of territorial or jurisdictional limits of any kind.

2. All activities in the marine environment shall be conducted with reasonable regard for activities in the Area.

Responsibility to Ensure Compliance with this
Convention and Liability for Damage

Article 18

1. Every State shall have the responsibility to ensure that activities in the Area, whether undertaken by governmental agencies, or non-governmental entities or persons under its jurisdiction, or acting on its behalf, shall be carried out in conformity with the provisions of this Part. The same responsibility applies to international organizations and their members for activities undertaken by such organizations or on their behalf. Damage caused by such activities shall entail liability.

* Will need to be in conformity with the relevant provisions on the zone.

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2. A group of States or a group of international organizations, acting together shall be jointly and severally responsible under those articles.
3. Every State shall take appropriate measures to ensure that the responsibility provided for in paragraph 1 of this article shall apply mutatis mutandis to international organization, of which it is a member.

Participation of Land-locked and Geographically Disadvantaged States and their Access to and from the Area

Article 19*

1. Land-locked States and geographically disadvantaged States shall have the right of access to and from the Area in order to enable them to derive benefits from the Area and its resources in accordance with the provisions of this Convention.
2. Participation of land-locked and geographically disadvantaged States Parties to this Convention in activities in the Area shall be promoted and protected, having due regard to the special needs and interests of these States, in order to overcome the obstacles to their participation in activities in the Area resulting from their disadvantaged geographical location and, in the case of the developing countries among them, the effects of such location on their economy and developments.

Archaeological and Historical Objects

Article 20

1. All objects of an archaeological and historical nature found in the Area shall be preserved or disposed of by the Authority for the benefit of the international community as a whole, particular regard being

* Will need to be in conformity with the relevant provisions developed in Committee II.

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paid to the preferential rights of the State of country of origin, or the State of cultural origin, or the State of historical and archaeological origin.

2. Any dispute with regard to a preferential right under paragraph 1 shall be subject to the procedure for settlement of disputes provided for in this Convention.

Section 3

THE INTERNATIONAL SEA-BED AUTHORITY

Establishment of the International Sea-Bed Authority

Article 21

1. There is hereby established the International Sea-bed Authority which shall function in accordance with the provisions of this Part.
2. The seat of the Authority shall be at The seat of the Authority may be moved to another place by a decision of the Authority.
3. The Authority may establish such regional centres or offices as it deems necessary for the performance of its functions.

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Nature and Fundamental Principles of
the Functioning of the Authority

Article 22

1. The Authority shall be the organization through which States Parties to this Convention jointly administer and manage resources of the Area in accordance with the provisions of this Part.
2. The Authority is based on the principle of the sovereign equality of all of its Members, and all Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with this Part.
3. All States Parties to this Convention shall be Members of the Authority.

Functions of the Authority

Article 23

Activities in the Area shall be conducted directly by the Authority in accordance with the relevant provisions of the Basic Conditions set forth in Annex I to this Part and, within the limits it may determine and in all other respects in accordance with those Basic Conditions, through States Parties to this Convention, or State Enterprises, or persons natural or juridical which possess the nationality of such States, or are effectively controlled by them or their nationals, when sponsored by States Parties to this Convention, or any group of the foregoing, by entering into contracts, or joint ventures or any other such form of association with the Authority which ensures its direct and effective control at all times over such activities.

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Article 24

1. The Authority shall take measures pursuant to this Convention to promote and encourage activities in the Area and to secure optimum benefits from them. To that end the Authority shall avoid discrimination in the granting of opportunities for such activities and shall, in the implementation of its powers, ensure that all rights granted pursuant to this Convention are fully safeguarded. Special consideration by the Authority under this Convention in affording opportunities for participation by developing countries, in activities in the Area shall not be deemed to be discrimination.
2. The Authority shall ensure the equitable sharing by States Parties to this Convention in the benefits derived from activities in the Area, taking into particular consideration the interests and needs of the developing countries.

Organs of the Authority

Article 25

1. There are established as the principal organs of the Authority an Assembly, a Council, a Tribunal, an Enterprise and a Secretariat.
2. The principal organs shall each be responsible for exercising those powers and functions which have been provided for in this Part and shall avoid taking any actions which may impede the exercise of specific powers and functions entrusted to another organ.

3. Such subsidiary organs as may be found necessary may be established in accordance with this Part.

The Assembly

Article 26

1. The Assembly shall consist of all the Members of the Authority.
2. The Assembly shall meet in regular session every year and in such special sessions as may be determined by the Assembly, or convened by the Secretary-General at the request of the Council or of a majority of the Members of the Authority.
3. Sessions shall take place at the seat of the Authority unless otherwise determined by the Assembly. At such sessions, each member shall have one representative who may be accompanied by alternates and advisers.
4. The Assembly shall elect its President and such other officers as may be required at the beginning of such session. They shall hold office until the new President and other officers are elected at the next following session.
5. Each member of the Assembly shall have one vote.
6. All decisions on questions of substance and the question whether a question is one of substance or procedure, shall be made by a two-thirds majority of the members present and voting, provided that such majority shall include at least a

majority of the members of the Authority. Before a matter of substance is put to the vote, a determination that reasonable efforts have been made to reach general agreement shall be made by the same majority. Decisions on other questions shall be made by a majority of the members present and voting.

7. A majority of the Members of the Assembly shall constitute a quorum.

8. Upon a written request to the President supported by not less than one-fourth of the members of the Assembly, a vote on any matter before the Assembly shall be deferred pending reference of that matter to the Tribunal for an Advisory Opinion on any legal question connected therewith, involving the interpretation or application of this Part. Voting on such matter shall be stayed pending delivery of the Tribunal's Advisory Opinion, which shall be rendered within period of six months from receipt of the request by the Tribunal.

Powers and Functions of the Assembly

Article 27

The Assembly shall be the supreme policy-making organ of the Authority. It shall have the power to lay down general guidelines and issue general policy directions to the Council or other organs of the Authority on any questions or matters within the scope of this Part. It may also discuss any questions or any matters within the scope of this Convention and make recommendations thereon. In addition, the powers and functions of the Assembly shall be:

(i) Election of the members of the Council in accordance with Article 28;

- (ii) Appointment on the proposal of the Council of the members of the Tribunal and of the Governing Board of the Enterprise;
- (iii) Establishment, as appropriate, on the basis of economy and efficiency, of such subsidiary organs as may be found necessary for the performance of its functions in accordance with the provisions of this Part; in the composition of such subsidiary organs due account shall be taken of the principle of and special interest groups in accordance with article 28(1) (a) and (b) equitable geographical distribution/and the need for members highly qualified and competent in the relevant technical matters dealt with by such organs.
- (iv) Assessment of the contributions of Parties to this Convention to the administrative budget of the Authority in accordance with the general assessment scale used by the United Nations until the Authority shall have sufficient income for meeting its administrative expenses;
- (v) Adoption of its rules of procedure;
- (vi) Adoption of the financial regulations of the Authority, including rules on borrowing;
- (vii) Approval of the budget of the Authority upon its submission by the Council;
- (viii) Request and consideration of special reports from the Council and from the other organs of the Authority on any matter within the scope of this Part;
- (ix) Studies and recommendations for the purpose of promoting international co-operation concerning activities in the Area and encouraging the progressive development of international law relating thereto and its codification;
- (x) Adoption of criteria, rules, regulations and procedures, for the equitable sharing of benefits derived from the Area and its resources, taking into special account the interests and needs of the developing countries, whether coastal or land-locked;
- (xi) Consideration of general problems arising for States in connection with activities

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in the Area, from the land-locked or otherwise geographically disadvantaged location of some of them and to make appropriate recommendations thereof;

- (xii) Examination of plans and recommendations which may be submitted to it by the Council designed to avoid or minimize adverse effects on developing countries where economies substantially depend on revenues from the export of minerals and other raw materials originating in their territories which are also derived from resources of the Area under exploitation, or for ensuring preferential access by developing countries importers of minerals or other raw materials derived from the resources of the Area under exploitation on favorable terms and to make recommendations thereon;

2. The powers and functions of the Authority not specifically entrusted to any of its other organs shall be exercised by the Assembly.

The Council

Article 28

1. The Council shall consist of 36 Members of the Authority elected by the Assembly (or, in the case of the first Council, by the Third United Nations Conference on the Law of the Sea) 18 to be elected in accordance with the principle of equitable geographical representation and 18 with a view to representation of special interests particularly involved in or affected by activities in the Area, taking into account the principle of equitable geographical representation,

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the election to take place in the following order:

(a) The nine most industrialized countries which have made the greatest contribution to the understanding and exploration of the Area and the exploitation of its resources as demonstrated by substantial investment in, or the development of advanced technology with respect to such activities.

(b) Nine Members from among the developing countries, at least one being drawn from each of the following categories: States which are exporters of land-based minerals which may also be produced from the resources of the Area, as well as States which are importers of the aforementioned minerals, States with large populations, land-locked States and geographically disadvantaged States, and the least developed countries.

(c) Eighteen Members with due regard to equitable representation on the Council as a whole of the areas specified below, so that the Council shall at all times include in this category at least ... from each of those areas:

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.....

2. Elections shall take place at regular sessions of the Assembly, and each member of the Council shall hold office until the end of the second regular session of the Assembly following the session at which he was elected.

In the first election of members of the Council, however, eighteen members shall be chosen for a period of one year.

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3. The Council shall function at the seat of the Authority, and shall seat as often as the business of the Authority may require, but not less than three times a year.

4. Each member of the Council shall have one vote.

5. All decisions on questions of substance and the question whether a question is one of substance or procedure, shall be made by a three-fourths majority of the members present and voting, provided that such majority shall include at least a majority of the members of the Council. Before a matter of substance is put to the vote a determination that reasonable efforts have been made to reach general agreement shall be made by the same majority. Decisions on other questions shall be made by a majority of the members present and voting.

6. The Council shall establish a procedure whereby a State Party to this Convention not represented on the Council may send a representative to attend a meeting of the Council when a request is made by such State, or a matter particularly affecting it is under consideration.

Powers and functions of the Council

Article 29

The Council shall be the executive organ of the Authority. It shall exercise the powers and perform the function entrusted to it by this Part and such other powers and functions as may be delegated to it by the Assembly.

The Council shall:

- (i) Supervise and coordinate the implementation of the provisions of this Part and, whenever it deems it appropriate, invite the attention of the Assembly to cases of non-compliance after appropriate action by the Tribunal;
- (ii) Propose to the Assembly candidates for appointment to the Tribunal and to the Governing Board or the Enterprise;
- (iii) Establish, as appropriate, and on the basis of economy and efficiency, in addition to the Commissions provided for in article 30, such subsidiary organs as may be found necessary for the performance of its functions in accordance with the provisions of this Convention. In the composition of such subsidiary organs primary emphasis shall be placed on the need for members highly qualified and competent in the relevant technical matters dealt with by such organs and, having due regard for the principle of equitable geographical distribution and special interest groups in accordance with article 28(1(a) and (b):
- (iv) Adopt its own rules of procedure;
- (v) Enter into agreements with the United Nations or other inter-governmental organizations on behalf of the Authority, subject to approval by the Assembly;
- (vi) Transmit annually to the Assembly a schedule for apportionment of benefits derived from Activities in the Area on the basis of criteria and rules adopted by the Assembly pursuant to sub-paragraph 1 (x) of Article 27;

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- (vii) Consider the reports of the Enterprise; and transmit them to the Assembly with appropriate recommendations;
- (vii) Transmit to the Assembly annual reports and such special reports as the Assembly may request;
- (iv) Approve and supervise through the Operations Commission the carrying out of Activities in the Area by the Enterprise;
- (x) Approve, on behalf of the Authority, contracts for the conduct of activity in the Area and to exercise supervision and control through the Operations Commission over such activities in accordance with this Part;
- (xi) Adopt, upon the recommendation of the Economic Planning Commission, programmes or measures pursuant to article 31;
- (xii) Open a part or parts of the Area for activities
in accordance with the Basic Conditions set forth in Annex I to this Part;
- (xiii) Ensure that developing countries importers of minerals or other products derived from the resources of the Area shall be given preferential access on favorable terms to such minerals and products;
- (xiv) Establish and administer a system for the adoption and application of rules, regulations and procedures recommended by the Technical Commission and any amendments thereto, Rules, regulations and procedures shall be restricted to those subjects specifically provided for in the Basic Conditions set forth in Annex I to this Part. Upon their approval by the Council they shall be submitted directly to all States Parties to this Convention. Such rules, regulations and procedures shall become effective 90 days after submission, unless in the meantime more than one-third of

the States Parties to this Convention register their disapproval with the Authority. This time period shall be suspended in respect of any rule, regulation or procedure the validity of which has been challenged in the Tribunal, pending a Tribunal decision on the matter.

- (xv) Make recommendations to the Assembly on the matters specified in subparagraphs (ii), (vii) and (xii) of paragraph 1 of Article 27, and, as appropriate, on any matter within the scope of the functions of the Council'
- (xvi) Make recommendations to States concerning the policies and measures required to give effect to the principles of this Part;
- (xvii) Make recommendations to the Assembly concerning suspension of the privileges and rights of membership for gross and persistent violations of the provisions of this Part as determined by the Tribunal;
- (xviii) Determine the policies of the Authority with respect to activities in the Area;
- (xix) Carry out the decisions adopted by the Assembly pursuant to paragraph (x) of article 27.

Organs of the Council

Article 30

1. There are hereby established as organs of the Council an Economic Planning Commission, a Technical Commission and an Operations Commission each of which shall be composed of fifteen members appointed by the Council highly qualified and competent in the technical matters dealt with in each organ. Without prejudice to the provisions of paragraph 9 of this article, due regard shall be paid to the principle of equitable representation on each ^{paragraph 1 of article 28} commission as a whole of the special interests and areas specified in / of this Part so that each Commission shall at all times include a number from

each of those interests and areas. The Council shall invite all Parties to this Convention to submit nominations for appointment to each Commission.

2. Appointment to each Commission shall take place not less than sixty days before the end of a calendar year and the members of a Commission shall hold office from the commencement of the next calendar year following their appointment until the end of the third calendar year thereafter. The first appointments to a Commission, however, shall take place not less than thirty days after the entry into force of the present Convention, and those so appointed shall hold office until the end of the calendar year next following the year of their appointment.

3. In the event of the death, incapacity or resignation of a member of a commission prior to the expiry of his term of office, the Council shall appoint a member from the same area or interest who shall hold office for the remainder of the previous member's term.

4. The Council shall appoint to the commission persons of high moral character who may be relied upon to exercise independent judgement.

They shall serve in their individual capacity and shall receive in respect of each session of the Commission such travel expenses and allowances from the Authority as the Council shall from time to time determine. Members of a commission shall be eligible for re-appointment for one further term of office.

5. Each commission shall appoint its chairman and two vice-chairmen who shall hold office for one year.

6. The Council shall approve, on the recommendation of a commission, such rules and regulations as may be necessary for the efficient conduct of the functions of the commission. Except as provided in paragraph 9 of this article, decisions shall be by a majority of members of the commission.

7. Each commission shall function at the seat of the Authority and shall meet as often as shall be required for the efficient performance of its functions.

8. Each commission may, with the approval of the Council, establish sub-commissions as it deems necessary for the purpose of dealing with specific subjects, or the performance of specific functions assigned to it under this Part.

9. The Council shall, in designating the members of the Economic Planning Commission, ensure a fair and equitable balance of net exporters of minerals and other raw materials originating in their territories which are also derived from the resources of the Area and net importers of such minerals and other raw materials. Each member shall have one vote and the two categories of members shall vote separately. Decisions shall be taken by a majority in each category and a two-thirds majority of the Commission as a whole.

The Economic Planning Commission
Article 31

1. Members of the Economic Planning Commission shall have high qualifications and substantial experience relevant to mining and the management of mineral resource activities and international economics, trade and finance.

2. The Economic Planning Commission, in consultation with the competent organs of the United Nations and the specialized agencies, shall review the trends of, and factors affecting, supply, demand and prices of raw materials which may be obtained from the Area and, bearing in mind the interests of both
and, in particular, the developing countries among them,
consuming and land-based mineral producing countries/, recommend to the Council
programmes and measures with respect to the implementation of article 10 of
this Part, and in particular;

(a) Schedules of the part or parts of the Area or the volume of its resources
which would be made available for exploitation; and

(b) Appropriate programmes or measures to avoid or minimize adverse effects on developing countries whose economies substantially depend on revenues from the export of minerals and other raw materials originating in their territories which are also derived from the resources of the Area under exploitation taking into account all sources of these minerals and raw materials.

3. The Commission shall advise the Council in the exercise of its economic planning functions and make such special studies and reports on these functions as may be required by the Council from time to time.

4. Any developing country Party to this Convention referred to in paragraph 4 of article 10 of this Part, may bring to the attention of the Economic Planning Commission a situation which based on substantial evidence, will lead to a serious and harmful decline in its mineral export earnings. The Commission shall forthwith investigate this situation and in consultation with affected States Parties to the present Convention and with the competent inter-governmental organizations, make recommendations to the Council in accordance with paragraph 2 of this article. The Council shall decide on the measures to be taken in accordance with this Convention.

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The Technical Commission

Article 32

1. Members of the Technical Commission shall have high qualifications and substantial experience in the management of sea-bed resources, ocean and marine engineering and mining and minerals technology and practices, operation of related marine installations, equipment and devices, ocean and environmental sciences and maritime safety.
2. The Technical Commission shall:
 - (i) Formulate and submit to the Council the rules, regulations and procedures referred to in paragraph (xiv) of Article 29;
 - (ii) Keep such rules, regulations and procedures under review and recommend to the Council from time to time such amendments thereto as it may deem necessary or desirable;
 - (iii) Prepare in consultation with the Operations Commission assessments of the environmental implications of activities in the Area and consider and evaluate these implications before recommending the rules, regulations and procedures referred to in sub-paragraph (1) of this paragraph;
 - (iv) Prepare special studies and reports at the request of the Council.

The Operations Commission

Article 33

1. Members of the Operations Commission shall have high qualifications and substantial experience in resource management, with particular emphasis on ocean and marine engineering and mining and minerals technology and practices, minerals

economics and accounting, and ocean and environmental sciences.

2. The Operations Commission shall exercise direct and effective control over activities in the Area, and to that end shall:

- (i) Supervise, on a regular basis, activities in the Area, in consultation and collaboration with any entity carrying out such activities and any State or States concerned;
- (ii) Initiate proceedings before the Tribunal in cases of failure to comply with the provisions of this Part, the rules, regulations and procedures prescribed thereunder and the terms and conditions of a contract, and after a finding by the Tribunal make appropriate recommendations to the Council with respect to measures to be taken in that regard;
- (iii) Arrange for and review the collection of all payments to be made by or to the Authority in connection with activities in the Area;
- (iv) Inspect and audit all books, records and accounts related to financial obligations concerning activities in the Area;
- (v) Direct and supervise the staff of inspectors provided for in article 43 of this Part who shall inspect all activities in the Area to determine whether the provisions of this Part, the rules, regulations and procedures prescribed thereunder, and the terms and conditions of any contract with the Authority are being complied with;
- (vi) Perform such functions with respect to settlement of disputes as may be specified in article ... ;
- (vii) Advise the Council in the exercise of its supervisory functions and prepare such special studies and reports with respect to these functions as may be required by the Council from time to time;
- (viii) Issue emergency orders to prevent serious harm to the marine environment arising out of any activity in the Area;

- (ix) Make recommendations to the Council with respect to the carrying out of the Authority's functions concerning scientific research and transfer of technology.

The Tribunal

Article 34

1. The Tribunal shall be the permanent judicial organ of the Authority, and shall consist of not less than five and not more than fifteen persons, lawyers of the highest distinction, who may be relied upon to exercise independent judgement.
2. Members of the Tribunal shall be appointed by the Assembly on the recommendation of the Council from among candidates nominated by States Parties to this Convention. They shall hold office for five years, and may be reappointed for one further term. In appointing members of the Tribunal due regard shall be paid to the importance of assuring representation on the Tribunal of the principal legal systems of the world.
3. The Tribunal shall establish its rules of procedure, elect its President, appoint a Registrar and such staff as may be necessary for the efficient discharge of its functions. The salaries and emoluments and terms of service of members of the Tribunal and of its Registrar and staff, shall be determined by the Council.
4. A member of the Tribunal, after expiry of his term of office, shall continue to perform his functions as such in relation to any disputes, proceedings in respect of which were substantially advanced prior to the date of such expiry.

5. A member of the Tribunal may be removed from office by the Assembly, on the unanimous recommendation of the other members of the Tribunal and the approval of the Council.

6. In the event of death, incapacity or resignation of a member of the Tribunal prior to the expiry of his term of office, the Council shall appoint a successor who shall hold office for the remainder of his predecessor's term, subject to the approval of the Assembly at its next following regular session.

Article 35

The Tribunal shall decide all disputes relating to the interpretation and application of this Part, the rules, regulations and procedures prescribed thereunder and the terms and conditions of any contracts entered into by the Authority which have been submitted to it in accordance with the provisions of articles ... and ... of this Part, and shall render advisory opinions on the request of any organ of the Authority or as otherwise specifically provided in this Part.

Article 36

Nothing in the foregoing articles shall prevent Parties to this Convention from settling their disputes by other means prescribed by article ... of this Part, provided that such disputes do not relate to a contract for activities in the Area.

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The Enterprise

Article 37

1. The Enterprise shall have international legal personality and such legal capacity as may be necessary for the performance of its functions and the fulfilment of its purposes. The Enterprise shall function in accordance with the Statute set forth in Annex ... to this Part, and shall in all respects be governed by the provisions of this Part, including the Basic conditions set forth in Annex ... and the rules, regulations and procedures prescribed thereunder.
2. All Parties to this Convention are ipso facto Parties to the Statute of the Enterprise.
3. The Enterprise shall have its principal place of business at

Article 38

The Enterprise shall be the organ of the Authority which shall, subject to the general policy directions and supervision of the Council through the Operations Commission, be responsible for the preparation and execution of activities in the Area pursuant to article 23, and shall report to the Council in respect of such activities. It shall enter into service contracts, or joint ventures or any other such form of association on behalf of the Authority pursuant to article 23.

The Secretariat

Article 39

The Secretariat shall comprise a Secretary-General and such staff as the Authority may require. The Secretary-General shall be appointed by the Assembly upon the recommendation of the Council. He shall be the chief administrative officer of the Authority.

Article 40

The Secretary-General shall act in that capacity in all meetings of the Assembly and of the Council, and of any subsidiary organs established by them, and shall perform such other functions as are entrusted to him by any organ of the Authority. The Secretary-General shall make an annual report to the Assembly on the work of the organization.

Article 41

1. The staff of the Authority shall include such qualified scientific and technical and other personnel as may be required to fulfill the objective and functions of the Authority. The Authority shall be guided by the principle that its permanent staff shall be kept to a minimum.
2. The paramount consideration in the recruitment and employment of the staff and in the determination of their conditions of service shall be to secure employees of the highest standards of efficiency, competence and integrity. Subject to this consideration, due regard shall be paid to the importance of

recruiting staff on as wide a geographical basis as possible.

2. The staff shall be appointed by the Secretary-General. The terms and conditions on which the staff shall be appointed, remunerated and dismissed shall be in accordance with regulations made by the Council, and to general rules approved by the Assembly on the recommendation of the Council.

Article 42

1. In the performance of their duties, the Secretary-General and the staff shall not seek or receive instructions from any government or from any other source external to the Authority. They shall refrain from any action which might reflect on their position as international officials of the Authority responsible only to the Authority. Subject to their responsibilities to the Authority, they shall not disclose any industrial secret or data which is proprietary or other confidential information coming to their knowledge by reason of their official duties for the Authority. Each Party to this Convention undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the Staff and not to seek to influence them in the discharge of their responsibilities.

2. Any violation of the responsibilities set forth in paragraph 1 of this article shall be considered a grave disciplinary offense and shall, in addition entail personal liability for damages. Any State Party to this Convention may bring an alleged violation of this article before the Tribunal which may order monetary penalties or the assessment of damages. Upon such order, the Secretary-General shall dismiss the staff member concerned.

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3. No member of the Secretariat may have any financial interest whatsoever in any activity in the Area

Article 43

1. The Authority shall, as necessary, establish a staff of inspectors. The staff of inspectors shall have the responsibility of examining all activities in the Area to determine whether the provisions of this Part, the rules, regulations and procedures prescribed thereunder, are being complied with.
2. The inspectors shall report any non-compliance to the Secretary-General and the Operations Commission. The Secretary-General shall immediately notify the Chairman of the Council.

Article 44

1. The Secretary General may send into the territory of a Party to this Convention and into the Area and any installation established therein, inspectors designated by the Operations Commission after consultation with the parties concerned. The inspector shall have access to all data concerning activities in the Area and to any policy officer who deals with such activities.
2. Inspectors designated by the Operations Commission shall, upon request made to the Secretary-General, be accompanied by representatives of any State Party to this Convention and contractor concerned, provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their function.

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Finance

Article 45

/Obligation of State Parties not to diminish proceeds from activities in the Area apportioned to the Authority through national taxation systems./

Article 46

/Payments to the Authority from other sources./

Article 47

The Assembly shall establish the General Fund of the Authority. There shall be paid into the General Fund:

- (a) All receipts of the Authority arising from activities in the Area, including any excess of revenues of the Enterprise over its expenses and costs in such proportion as the Council shall determine; and
- (b) Payments to the Authority pursuant to Article 46;

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- (c) Contributions of States Parties to this Convention in accordance with the scale of assessment adopted by the Assembly pursuant to sub-paragraph 1(iv) of Article 27.

Article 48

The Council shall submit to the Assembly annual budget estimates for the expenses of the Authority. To facilitate the work of the Council in this regard, the Secretary-General shall initially prepare the budget estimates. If the Assembly does not approve the estimates, it shall return them together with its recommendations, to the Council. The Council shall then submit further estimates to the Assembly for its approval.

Article 49

1. Expenses of the Authority comprise;
 - (a) Administrative expenses, which shall include costs of the staff of the Authority, costs of meetings, and expenditures on account of the functioning of the organs of the Authority;
 - (b) Expenses not included in the foregoing, incurred by the Authority in carrying out the functions entrusted to it under this Part.
2. The expenses referred to in paragraph 1 of this article shall be met out of the General Fund.

Article 50

1. Any excess of revenues of the Authority over its expenses and costs to an extent determined by the Council, all payments received pursuant to article 45 of this Convention, and any voluntary contributions made by States Parties to this Convention, shall be credited to a Special Fund.
2. Amounts in the special Fund shall be apportioned and made available equitably in such manner and in such currencies, and otherwise in accordance with criteria, rules, regulations and procedures adopted by the Assembly pursuant to sub-paragraph 1(x) of Article 27.

Article 51

Subject to such limitations as may be approved by the Assembly in the financial regulations adopted by it pursuant to sub-paragraph 1(vi) of Article 27, the Council may exercise borrowing powers on behalf of the Authority without, however, imposing on members of the Authority any liability in respect of loans entered into pursuant to this paragraph, and accept voluntary contributions made to the Authority.

Article 52

Once each year the Authority shall be subject to an audit of its financial records, books and accounts by a recognized independent auditor.

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Status, Immunities and Privileges

Article 53

The Authority shall have international legal personality, and such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purpose.

Article 54

To enable the Authority to fulfill its functions it shall enjoy in the territory of each State Party to this Convention, the immunities and privileges set forth herein except as provided in Annex ... to this Convention with respect to operations of the Enterprise.

Article 55

The Authority, its property and assets, shall enjoy in the territory of each State Party to this Convention, immunity from legal process, except when the Authority waives its immunity.

Article 56

The property and assets of the Authority, wheresoever located and by whomsoever held/, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

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Article 57

All property and assets of the Authority shall be free from restrictions, regulations, controls and moratoria of any nature.

Article 58

The President and members of the Assembly, the Chairman and members of the Council, members of any organ of the Assembly, or the Council, and members of the Tribunal, and the Secretary-General and staff of the Authority, shall enjoy in the territory of each member state:

- (a) Immunity from legal process with respect to acts performed by them in the exercise of their official functions, except when the Authority waives this immunity;
- (b) Not being local nationals, the same immunities from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities as are accorded by States Parties to this Convention to the representatives, officials and employees of comparable rank of other State Parties.

Article 59

The provisions of the preceding article shall apply to persons appearing in proceedings before the Tribunal as parties, agents, counsel, advocates, witnesses or experts; provided, however, that sub-paragraph (b) thereof shall apply only in connection with their travel to and from, and their stay at, the place where the proceedings are held.

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Article 60

1. The archives of the Authority shall be open to public inspection at any time during ordinary business hours, and inviolable, wherever they may be. The archives shall not contain any proprietary data, industrial secrets or similar information, or personnel records for which separate storage facilities will be provided.
2. With regard to its official communications, the Authority shall be accorded by each State Party to this Convention treatment no less favorable than that accorded to other international organizations.

Article 61

1. The Authority, its assets, property and income, and its operations and transactions authorized by this Convention, shall be exempt from all taxation and customs duties. The Authority shall also be exempt from liability for the collection or payment of any taxes or customs duties.
2. Except in the case of local nationals, no tax shall be levied on or in respect of expense allowances paid by the Authority to the President or members of the Assembly, or in respect of salaries, expense allowances or other emoluments paid by the Authority to the chairman and members of the Council, members of the Tribunal, members of any organ of the Assembly or of the Council and the Secretary-General and Staff of the Authority.

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Settlement of Disputes

Article 62

1. The Tribunal established pursuant to Article 34 of this Part shall have jurisdiction with respect to:
 - (a) Any dispute between States Parties to this Convention concerning the interpretation or application of this Part relating to activities in the Area, not falling within sub-paragraphs (b), (c) and (d) of this article;
 - (b) Any dispute concerning the conclusion of any contract, its interpretation or application or other activity in the Area which has arisen between States Parties to this Convention, or between such State Party and a national of another State Party, or between nationals of different States Parties, or between a State Party or a national of a State Party and the Authority or the Enterprise;
 - (c) Any dispute falling within article 63; and
 - (d) Any matter falling within article 42.

2. When a dispute falling within sub-paragraph 1)a) has arisen, the parties to the dispute shall first seek a solution through consultation, negotiation, conciliation or other such means of their own choice. If the dispute has not been resolved within one month of its commitment, any party to the dispute may initiate proceedings before the Tribunal, unless the parties agree to submit the dispute to arbitration pursuant to article 68 of this Part.

Article 63

1. Any State Party to this Convention which questions the legality of measures taken by any organ of the Council or of the Assembly on grounds of a violation

of this Part, lack of jurisdiction, infringement of any fundamental rule of procedure or misuse of power, may bring the matter before the Tribunal.

2. Any person may, subject to the same conditions, bring a complaint to the Tribunal with regard to a decision directed to that person, or a decision which, although in form directed to another person, is of direct concern to the complainant

3. The proceedings provided for in this article shall be instituted within one month of either the date of publication of the decision concerned or its notification to the complainant, or of the date on which he became aware of it.

4. If the Tribunal considers the complaint well-founded, it shall declare the decision concerned to be void, and shall determine what measures shall be taken to redress any damage caused.

5. An order of the Tribunal pursuant to this article shall be binding.

Article 64

1. The judgement of the Tribunal shall be final and binding and enforceable in the territories of a State Party to this Convention as though it were a judgement of the highest court of that Party.

2. If a State Party to this Convention fails to perform its obligations under a judgement rendered by the Tribunal, the other Party or Parties to the dispute may bring the matter before the Council which shall decide upon measures to be taken to give effect to the judgement.

Article 65

1. Upon the request of any party to the dispute, the Tribunal may, at any time after it is seized of the dispute and if it considers that circumstances so require, after giving the parties an opportunity to be heard, order provisional measures, consistent with the object and purpose of this Part, which it considers appropriate for preserving the respective rights of the parties, for minimizing damage to any party and for preventing serious harm to the marine environment, pending final adjudication.
2. Notice of any provisional measures ordered under this article shall be given forthwith to the parties to the dispute and to all States Parties. A party to the dispute directly affected by such provisional measures may request their immediate review. The Tribunal shall promptly undertake such review and confirm or suspend the order.
3. Any provisional measures ordered under this article shall be binding upon the parties to the dispute.

Article 66

1. The Tribunal or any party to proceedings before it may at any time seek the opinion of any organ of the Council regarding an issue falling within its competence.
2. The Tribunal shall decide whether proceedings shall be suspended until the opinion sought has been made available.

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Article 67

Any organ of the Authority may request the Tribunal to give an advisory opinion on any legal question connected with the subject matter of this Part.

Article 68

1. If the parties to a dispute so agree, pursuant to paragraph 2 of article 62; they shall submit the dispute to an Arbitration Commission. The Arbitration Commission shall be composed of three members. Each party to the dispute shall appoint one member to the Commission, while the third member, who shall be the Chairman, shall be chosen in common agreement between the parties. If the parties fail to agree on the designation of the third member within a period of one month, the third member shall be appointed by the President of the Tribunal. In case any of the parties fail to make an appointment within a period of one month the President of the Tribunal shall fill the remaining vacancy or vacancies.
2. The Arbitration Commission shall decide on matters placed before it by a simple majority.
3. The Arbitration Commission constituted pursuant to this article shall have such jurisdiction and shall exercise such powers and functions as the Tribunal constituted pursuant to Article 34. The provisions of paragraph 2 of article 62 and articles 63-66 shall apply mutatis mutandis to the Arbitration Commission.

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SECTION 4

FINAL PROVISIONS ASSOCIATED WITH PART I

Amendment

Article 69

Amendments to this Convention may be proposed by any State Party to this Convention. Certified copies of the text of any amendment proposed shall be prepared by the Secretary-General of the United Nations and communicated by him to all parties, at least ninety days in advance of its consideration by the Assembly.

Article 70

Amendments shall come into force for all States Parties to this Convention when:

- (i) Approved by the Assembly by a two-thirds majority of those present and voting after consideration of observations submitted by the Council on each proposed amendment; and
- (ii) Accepted by two-thirds of all the States Parties in accordance with their respective constitutional processes. Acceptance by a State Party shall be affected by the deposit of an instrument of acceptance with the Secretary General of the United Nations.

General Review

Article 71

At the fifth annual session of the Assembly following the coming into force of this Convention, the question of a general review of the provisions of this Part shall be placed on the agenda of that session. On approval by the Assembly the review will take place at the next following session of the Assembly. Thereafter, proposals on the question of a general review of this Part may be submitted for decisions by the Assembly under the same procedure.

Suspension of Privileges of Membership

Article 72

A state Party of the Authority which is in arrears in the payment of its financial contributions to the Authority shall have no vote in the Authority if the amount of the arrears equals or exceeds the amount of the contributions due from it for the preceding two years. The Assembly may permit such a State Party to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party.

Article 73

A member which has persistently violated the provisions of this Part is suspended from the exercise of the privileges and the rights of membership in the Assembly upon recommendations by the Council. No action may be taken under this article until the procedures for settlement of disputes provided in this Part shall have been completed.

* * * * *

Provisional Application*/

Article ...

1. Pending the definitive entry into force of this Convention in accordance with the provisions of article..., a State shall notify the Depository at the earliest possible date whether signature of this Convention shall constitute an acceptance by it of the provisional application of this Convention.
2. This Convention shall be applied provisionally upon receipt of the thirty-sixth notification referred to in paragraph 1.
3. Upon provisional application of this Convention in accordance with paragraph 2, any State which has notified the Depository of its intention to apply this Convention provisionally in accordance with paragraph 1, shall be regarded as being Party for the purpose of provisional application of this Convention.
4. The provisional application of this Convention with respect to a State shall be terminated if that State notifies the Depository of the withdrawal of its notification under paragraph 1.
5. The provisional application of this Convention in accordance with this article shall be terminated:
 - (a) Upon the definitive entry into force of this Convention in accordance with article..;
 - (b) If, as a result of withdrawal of notification, in accordance with paragraph 4 above, the total number of Contracting Parties becomes less than that provided for in paragraph 2;

*/ This article may be considered for inclusion among the Final Clauses of the Convention if the Conference decides to apply the whole of the Convention provisionally.

(c) At the end of a period of .. years after the commencement of provisional application.

6. If, at the end of six months after the opening of the Convention for signature, provisional application as provided for in this article does not occur, an Interim Commission shall come into existence, as provided for in Annex III to this Part.

7. All States Parties to this Convention agree to respect the obligations, rights and duties undertaken pursuant to this Part if the provisional application of this Part is terminated in accordance with paragraph 5 of this article.

8. Pending the adoption of the rules, regulations and procedures referred to in sub-paragraph (xiv) of Article 29, the provisional rules, regulations and procedures adopted at the conclusion of the Third United Nations Conference on the Law of the Sea shall apply to activities in the Area, and shall be administered by the Council as provisionally constituted, or the Interim Commission provided for in Annex III to this Part.

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ANNEX I

BASIC CONDITIONS

ANNEX II

STATUTE OF THE ENTERPRISE

ANNEX III

INTERIM COMMISSION